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COMMISSION ON HUMAN RIGHTS
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# EXAMINING POSSIBLE SOLUTIONS TO PROBLEMS INVOLVING MINORITIES, INCLUDING THE PROMOTION OF MUTUAL UNDERSTANDING BETWEEN AND AMONG MINORITIES AND GOVERNMENTS

## Report on the visit by the Working Group to Mauritius

(7-10 September 2001)

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## Introduction

1. At the invitation of the Government of Mauritius, the United Nations Working Group on Minorities of the Sub-Commission for the Protection and Promotion of Human Rights conducted its first-ever country visit, to Mauritius, from 7 to 10 September 2001. Members of the Working Group - Asbjørn Eide (Chairperson), José Bengoa, Vladimir Kartashkin, Yeung Kam Yeung Sik Yuen - were accompanied by Deepika Udagama, alternate member of the Working Group.

2. The objectives of the visit were to draw lessons from the experiences of Mauritius with regard to good practices of group accommodation in a multicultural society, as well as to explore integrative and autonomous approaches and practices with respect to minority protection in that country. The Working Group visited in the main island of Mauritius (8-10 September) as well as Rodrigues Island (7 September).

3. The Working Group was received by the President of the Republic, H.E. Mr. Cassam Uteem, the Prime Minister, Mr. Anerood Jugnauth, the Minister of Justice and Human Rights, Mr. Emmanuel Leung Shing, and the Minister for Foreign Affairs, Mr. Anil Gayan. Members of the Working Group also met with representatives of minority communities, journalists, government officials and representatives of non-governmental organizations, and leaders of political parties.

4. The Working Group wishes to thank the Mauritian authorities for their invitation which permitted the first mission by the Working Group since its establishment in 1995. It also extends its appreciation to the various representatives of civil society with whom it met during the visit, including those from minority communities.

5. Two primary issues during the visit were the constructive accommodation of the various ethnic groups on the main island of Mauritius, and plans for the autonomy of Rodrigues Island. With regard to the first issue, attention focused on the legislation and its implementation in practice, including the representation of different communities in political and social life, and on the issues of languages and education. Concerning the second, the Working Group held discussions with representatives of the local population of Rodrigues Island.

## I. BACKGROUND[1]

### A. General history and ethnic composition of Mauritius

6. Mauritius is situated in the Indian Ocean, approximately 2,400 km off the south-east coast of Africa. The main island, which is of volcanic origin, covers an area of 1,865 $km^2$. Coral reefs surround most of the coast except the south. Its outlying territories are

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[1] The statistics used in this section are from two main sources: *Invest in Children: Securing Rights in a Changing Society, an updated situation analysis of children and women in the Republic of Mauritius,* UNICEF, 1998 and the web site of the Government of Mauritius. The historical data are from Vijayalakhmi Teelock, *Mauritian History, from its Beginnings to Modern Times*, Mauritius, Mahatma Gandhi Institute Press, 2001, 434 p.

Rodrigues Island, lying about 600 km eastward, the Cargodos Carajos Shoals, and the Agalega Islands. There is an ongoing dispute between the State of Mauritius concerning the sovereignty of a few islands with the United Kingdom over the Chagos Islands of Diego Garcia, Peros Banhos and Solomon; and with France over the island of Tromelin. At the end of 1996, the population was estimated at 1,142,513. Four main ethnic groups are recognized by the Constitution: Indo-Mauritians (68 per cent of the population), Creole (mostly Afro descendants) (27 per cent), Sino-Mauritians (3 per cent) and Franco-Mauritians (2 per cent). The religious composition of the population is diverse: 52 per cent Hindu, 28.3 per cent Christian (Roman Catholic 26 per cent, Protestant 2.3 per cent), 16.6 per cent Muslim and 3.1 per cent other belief systems.

7. Mauritius was uninhabited until the early sixteenth century, when the Dutch landed. The island became a French possession in 1715 and in 1810 came under British authority. During the period of French colonialism, slaves were imported from Africa, particularly from Senegal, Guinea, Mozambique and Madagascar, to work in the sugar-cane plantations. Mauritian Creole, now in quasi-common use throughout Mauritius and Rodrigues Island, has become the lingua franca of a large part of the population.

8. The rule of the British was essentially administrative. The French colonists were permitted to stay; they retained their plantations and French continued to be spoken. Slavery in the sugar plantations continued until its abolition by Great Britain in the 1840s. Freed slaves left sugar plantations to settle in coastal areas or on marginal agricultural land. To address the consequent labour shortage on the plantations, the British brought indentured labourers from India (mainly Bihar, Uttar Pradesh, Tamil Nadu, Andhra Pradesh, Maharashtra and Gujarat) to the island. Within a few decades, people of Indian origin were a majority in the island. The early twentieth century also saw the arrival of Hakka and Cantonese settlers from China, who were traders.

9. By the early 1990s, traditional dependence on sugar had been reduced and the economic base of Mauritius had diversified. Today, the main sectors of the Mauritian economy are sugar production, tourism, financial services, Freeport and the export processing zone which concentrates on textile and garment production.

10. While Mauritius does not have an official poverty line, studies carried out in 1994 showed that the minimum income for a household of four persons would be around 5,000 rupees a month. Another study in 1996 revealed that more than half of the households investigated lived with an income of less than R 8,000 and 8.3 per cent of households had less than R 3,000. These figures may indicate a problem of social exclusion, which has an ethnic overtone: most of the poorer households belong to the Creole population who are mostly descendants of the Africans brought to Mauritius as slaves. The reasons for their present situation of poverty are complex, and include historical and socio-political factors. The marginalization of this group, economically, socially and politically, continued after the abolition of slavery.

## B. Group accommodation

### 1. Constitutional provisions

11. The Council of Government was established in 1825 under British rule and until the 1950s constitutional conferences were held to consider the introduction of a ministerial system of government and general elections based on universal suffrage, which were first held in 1959. After the general election in 1967, Mauritius adopted a new constitution and independence was proclaimed in 1968. Mauritius achieved the status of a republic in 1992.

12. Chapter III of the Constitution (Citizenship) prohibits discrimination among the citizens of Mauritius on the basis of race, caste, place of origin, political opinion, colour, creed or sex. The Constitution specifies that all citizens of Mauritius are equal and entitled to fundamental rights and establishes clearly the separation of powers between the legislative, executive and judicial branches.

### 2. Parliament and the electoral system

13. The National Assembly is the supreme legislative body through which members vote laws, discuss the affairs of the nation and control the use of public funds. The members of the National Assembly are chosen in general elections, which take place every five years on the basis of universal adult suffrage and secret ballot. The right to vote is granted at 18 years of age. The Head of State is the President of the Republic and is elected by the National Assembly. The President appoints as Prime Minister the member of the Assembly who appears to be best able to command the support of the majority of the members of Assembly.

14. The National Assembly comprises 70 members, of whom 62 are elected by majority vote. An additional eight seats are allocated to "best losers", a system established to achieve communal balance, given the composition of the ethnic and linguistic groups of the country. For electoral purposes the Mauritian territory is divided into 21 constituencies, the island of Mauritius having 20 constituencies with 3 members each, and the island of Rodrigues, which returns 2 members.

### 3. Languages

15. The Constitution provides that "English is the official language of Mauritius but any members of the Parliament or governmental officials may address the chair in French".

16. The languages most commonly spoken are French and Creole, but Hindi. Urdu and Mandarin are also spoken, some of them by large numbers of the population. The majority of newspapers and most broadcasts in the media are in French. There are some television and radio channels broadcasting in Hindi, and a few in Creole.

17. English and French are the two main languages taught in the education system from primary to higher education. Some teaching of Asian languages including Hindi, Urdu and Mandarin is provided in primary and secondary schools. Under the current educational system,

skills in Asian languages do not provide students with extra credits in entering secondary school. The Creole language, which has no recognized script, does not form part of school curricula as such. It is, however, the most spoken language although only 27 per cent of the population speak it.

### 4. Education

18. Mauritius is committed to the principle of equality in education. Education is free for primary and secondary levels. Nevertheless, some concerns remain, such as a lack of skilled teachers of Creole origin and that equal opportunities in education have not been attained for the Creole population.

19. The Working Group was informed that the drop-out rate of Creole children was higher than for other communities. The highly competitive educational system considerably hampers children from disadvantaged groups gaining entrance to the most sought-after schools. The only university in Mauritius, which was established in 1971, cannot meet the needs for higher education of the whole country, and students must score extremely high marks at the end of the secondary school examinations (Higher School Certificate) to secure scholarships granted by the Governments of the United Kingdom, France, Australia and India to study in those countries.

### 5. The Creole community

20. The Working Group focused on the issue of equal opportunity in the domains of education and social and political life. Several NGOs and community representatives informed the Working Group that the Creole community was socially, economically and politically marginalized in Mauritius. Many of the Creole people live in poorer areas. According to the survey undertaken by UNICEF in cooperation with the University of Mauritius, studies on the Creole community demonstrate discrimination and exclusion through higher infant mortality, lower literacy, a single-parent family structure, unemployment, and a higher drop-out rate in primary school than other communities.

21. In February 1999, following the death in police custody of a popular Creole singer, inter-group tensions were evident as some Creoles turned against the majority Hindu community. In May 1999, several buildings were set alight and seven people died. The importance of carrying out effective investigations into these occurrences was noted.

22. As previously mentioned, the low success rate in primary and secondary education has resulted in a very low number of Creole students enrolled in institutions of higher education in Mauritius or abroad.

## II. INTEGRATIVE AND AUTONOMOUS APPROACHES

### A. Rodrigues Island

23. Rodrigues Island is located nearly 600 km from the main island of Mauritius. Ninety-eight per cent of the population of approximately 35,000 are ethnically Creole and adhere to the Christian religion (mostly Roman Catholics). This ethnic homogeneity differentiates the island population from that of the main island.

24. The members of the Working Group were informed that in the 1967 referendum on independence, nearly 98 per cent of the population of both islands voted in favour. In Rodrigues, however, more than 50 per cent of the population voted against independence while on the main island, 56 per cent voted for independence. This result was said to demonstrate a fear on the part of the inhabitants of losing their identity in the new republic. After independence, and taking into account the specificity and geographical distance of the island, the Government of Mauritius set up the Ministry of Rodrigues in 1976, but until 1992, all ministers holding that portfolio were from Mauritius.

25. The socio-economic and cultural developments of Rodrigues and Mauritius have been very different. To some extent, this is due to the physical differences of the two islands. Rodrigues is hilly while Mauritius is flat. Sugar is virtually impossible to cultivate. Consequently, none of the indentured labourers from the Indian subcontinent settled there. Mixed farming systems, fishing and livestock-rearing, partly for subsistence and partly for the Mauritian market, have remained the main forms of agricultural activity in Rodrigues. The lack of job opportunities has led to the mass migration of young people to the main island.

26. The small area of Rodrigues has created pressures on fishing resources and land. These pressures have led to deforestation, overgrazing, soil erosion, droughts and overfishing. The Working Group was informed that 90 per cent of the land is under State ownership and that the State has authority over decisions relating to the leasing of land. In addition, it was explained that it usually takes two years or more to obtain a private business license from the central Government in Mauritius, which has considerably discouraged investment and the setting up of small and middle-sized businesses. Another element which is of significance for future policy-making is that, according to UNICEF, around 50 per cent of the total population are children below 18, as compared with 30 per cent in Mauritius. This situation is due mainly to the massive migration of young people for the main island for more job opportunities.

27. The judicial system is centralized in the main island. The local population felt that it had limited access to the justice system. By way of example, they referred to the failure to post a permanent magistrate in Rodrigues.

28. Over the last few years, there has been an increasing demand for autonomy status for Rodrigues. Joint efforts and expressions of political will by the national Government, local political parties, non-governmental organizations and public opinion led to serious consideration being given to this question. A Rodrigues Regional Assembly Bill has been drawn up and was expected to be presented to the National Assembly for adoption during its session of November 2001.

29. The Rodrigues Regional Assembly Bill proposes extensive autonomy to Rodrigues Island by establishing a regional assembly to replace the current Ministry of Rodrigues. Autonomy will provide to the people of Rodrigues broad internal self-governance, enabling them to decide and manage their own internal affairs. The right of the local population to determine the priorities of their socio-economical development and the use of their natural resources (land and sea), and to handle matters relating to regional or international cooperation for development, investment and trade, will be recognized.

30. Some of the relevant aspects of autonomy for Rodrigues as foreseen in the Bill are the following:

(a) Autonomous status under the sovereignty of the State of Mauritius, while foreign affairs and defence would remain under the control of the central Government;

(b) Establishment of the regional assembly to represent the people of Rodrigues in preparing the budget for submission to the National Assembly. The Regional Assembly will be composed of 18 members, 12 of whom are to be elected under the simple majority system or first-past-the-post system in six different local regions, whilst the 6 others are to be allocated seats under a simple form of proportional representation applicable on an Island-wide basis to the registered parties having received a minimum of 10 per cent of the votes cast. The Regional Assembly would elect from among its members the Chief Commissioner and the Deputy Chief Commissioner as the executive of the Assembly;

(c) Although the Bill does not provide details on the manner of tax collecting and sharing, it stipulates that the funds allotted to or collected by the Regional Assembly may be placed in a Rodrigues Capital Fund in addition to funds provided from the national budget and local revenues;

(d) Power is conferred on the Regional Assembly to obtain any grant, aid or technical assistance from foreign and international donors, provided there is no particular objection from the central Government; and

(e) The island community would be able to negotia directly for subregional, regional and international development cooperation relating to the island.

31. While in Rodrigues the Working Group undertook substantive discussions with representatives of NGOs, governmental officials and representatives of the two main political parties of the island. There was a generally positive reaction towards the coming autonomy status and arrangements for the island. Expectations were high as regards the benefits to be obtained from autonomous approaches to the design and implementation of development plans and programmes and negotiating for international cooperation. At the same time, there was concern that future benefits from autonomy might be concentrated in the hands of a few rather than the majority of the population.

32. As mentioned above, although primary and secondary education is free there are still de facto inequalities, especially in Rodrigues. One of the major problems is the low primary school completion rate. In addition, there is a serious lack of locally trained teachers as well as an inadequate educational infrastructure and material resources.

33. The Creole population strongly expressed the wish to have the history and culture of Creole people included in primary and secondary education curricula in order for the young generation to become familiar with this history and to reinforce the longer-term preservation of cultural identity within the communities. The preference was expressed for the Creole language to be used as the medium of instruction. Other elements of the curricula were said to be inappropriate to the realities of the majority of the population of Rodrigues Island; education in Rodrigues should be adapted to the needs of the Rodrigues population and the realities they faced.

34. The priority concern was to advance the economic development of Rodrigues with a view to reducing poverty and the dependence on subsistence farming. Local people expressed the preference for the local government to be able to design and implement development programmes, in close consultation with the community. Special hopes were placed in the development of tourism and in subregional and regional cooperation.

35. Another demand by the representatives of the Rodrigues civil society was to have a more accessible system of justice with a more decentralized system of justice in the future framework for autonomy. In this respect, it was pointed out that the institutions of the administration of justice were at present concentrated in the main island of Mauritius.

### B. The Chagos Archipelago

36. The Chagos Archipelago, which during the colonial period was administered as part of Mauritius, comprises Diego Garcia, Peros Banhos, Salomon and other islands. The traditional inhabitants are called Chagossians or Ilois. Many have lived in these islands for several generations, having originally mainly come from the main island of Mauritius. While independence was being negotiated in London during the 1960s, thousands of Chagossians/Ilois were forced to evacuate their homes and move to the main island. This was due to the United Kingdom's decision to lease the islands to the United States for a military base on a 50-year lease, renewable for another 20 years. The Chagossian/Ilois people have had difficulties in adapting to the conditions in Mauritius. They had been accustomed to making their living in an ocean environment. It is estimated that many of the estimated 8,000 Chagossians/Ilois people live in poverty.

37. While most Chagossian/Ilois have been granted a United Kingdom Dependant Territories passport by the United Kingdom Government, they have continued to demand the right to return to Chagos Island. The Government of Mauritius has sought to reclaim the islands and their return to the sovereignty of Mauritius and requested the United Kingdom Government to guarantee the rights of return of about 4,000 islanders. In 1973, the United Kingdom Government paid to the Chagossians/Ilois compensation of £650,000 through the Government of Mauritius and a trust fund to hold these funds was set up in 1982, but the agreement included a "no return" clause which, it is claimed, many illiterate Illois did not understand. In

November 2000, the High Court in London heard the case of a group of Chagos islanders, led by Mr. Olivier Bancoult, who claimed their right of return to live in their native island. The Court ruled in favour of the Chagos islanders, holding that they had been unlawfully evicted from the island 30 years ago to make way for the United States military air base. The United States has not left Diego Garcia. The question of the return of the Chagossian people is still pending.

38. The Working Group heard the explanations of both Chagos community representatives and Mauritian government officials. It expressed its concern about the socio-economic situation of the Chagossians/Ilois while awaiting return.

## III. CONCLUSION AND RECOMMENDATIONS

39. The Working Group focused on the group accommodation practices and the process of autonomy arrangements for Rodrigues Island. The members of the Working Group have analysed the Constitution with regard to the electoral legislation on the equal representation of communities, and heard the feelings and expectations of the local population of Rodrigues on the island's future autonomy.

### A. Positive aspects

40. The Working Group observed the importance placed on promoting and maintaining a spirit of tolerance and respect between and among various ethnic communities in Mauritius and the peaceful coexistence of all communities in Mauritian society. The vibrancy of civil society in Mauritius was noted.

41. The Working Group noted with interest the electoral system of Mauritius which provides for a system of "best losers", according to which the Electoral Commission nominates members of the National Assembly from among the best losers in the various communities.

42. There is in place a comprehensive legislative framework for the protection from discrimination of all citizens. It provides that no person shall be treated in a discriminatory manner in the performance of the functions of any public office or any public authority on the ground of race, caste, place of origin, political opinion, colour, religion or sex.

43. The Working Group noted with appreciation the establishment and activities of the National Commission on Human Rights.

44. The Working Group welcomed the proposal by the Government of the Rodrigues Regional Assembly Bill which would guarantee autonomous status to the island, thereby ensuring that the islander community made their own decisions on matters affecting them.

### B. Subjects of concerns

45. The Working Group took note of the debate in Mauritius on whether the "best loser" system, which was a useful tool for constructive group accommodation in the early years of independence, had outlived its usefulness and should be scrapped. The lack of statistical data on

the participation of various ethnic communities in economic and social life is of some concern, but that is not to say that proportional representation in jobs, schools and universities is the solution.

46. The Working Group was seriously concerned at the low level of educational attainment among the Creole community, in particular the poor performance at primary and secondary education, resulting in the limited access of Creole-origin students to higher education. Concern in relation to the limited/marginalized use of the Creole language as a medium of instruction in the educational system and the dearth of educational material on Creole culture was also highlighted.

47. With regard to the Chagossian/Ilois community, the Working Group expressed concern with regard to the social and economic difficulties which this community faced while awaiting and campaigning for their return to the Chagos Island.

### C. Suggestions and recommendations

48. The Working Group stressed the important aspect of participation by all communities in political, social and economic life in the multi-ethnic society of Mauritius. In this regard, the Working Group recommends that disaggregated data and information on disadvantaged communities be collected in order to design future policy on the promotion and protection of the rights of minorities.

49. The Working Group believes that continuing efforts should be made to encourage and consolidate mutual understanding between different communities and existing group accommodation. The authorities could plan to take an active and important role in increasing awareness of the historical and cultural richness and diversity of all communities. In this regard, the Working Group is firmly convinced that progress could be achieved through education, especially through the inclusion of the history and cultural information relating to all communities in school curricula and textbooks.

50. The Working Group believes that further measures are needed to improve the facilities at the primary school level in marginalized regions, many of which are inhabited by people of Creole origin, and ensure that people of Creole origin effectively enjoy equality of access to secondary and tertiary education.

51. Regarding the development of Rodrigues Island within the future framework of autonomy, the Working Group invites the future local government to exercise caution in promoting tourism and other development projects involving the exploitation of natural resources so as to preserve the ecosystem of the island and respect and develop the island community's cultural identity. Furthermore, the Working Group invites the authorities to consider the inclusion of Creole history and culture in the school curricula of the island in order for future generations to have opportunity to learn the history of their community.

52. The National Commission on Human Rights should be further strengthened in dealing with individual complaints, establishing a system of early warning of problems and conflicts, investigating and monitoring human rights issues and analysing the implementation of legislation, the electoral system and the educational system.

54. Appropriate training in the field of minority rights should be further strengthened for personnel in the areas of adjudication, law enforcement, and the public administration in general.

55. The National Commission on Human Rights might invite representatives of the media to discuss ways to further improve tolerance and the protection of minorities.

## Annex

## SELECTED LIST OF PERSONS MET BY THE WORKING GROUP

### A. Mauritius

**Individuals and NGOs**

Mr. Fernand Mandarin, Head of a Chigossian group
Mr. Olivier Bancoult, Head of a Chagossian social committee
Service volontaire international
Prévention information et lutte contre le SIDA
Mr. Rada Tivassen, Amnesty International, Mauritius Section
Institut de l'Océan indian pour le droit de l'homme
Caritas
Shelter for Women and Children
Society for Aid to Children Inoperable in Mauritius
Mauritius Scout Association
Organisation pour l'unité
Action familiale
Human Service Trust
Physically Handicapped Welfare
Mouvement pour le progrès de Roche Bois
Hindu Educational, Social and Cultural Organization
Mouvement socio-culturel créole
Bahai National Council
Old Age Pensioners Association
Me Hervé Lassémillante
Me Dick Bn Sui Wa
Me D. Jeremy Kwan Tat

**Media**

*Le Quotidien*
*Le Défi Plus*
*Week-end*

## B. Rodrigues

**Individuals and NGOs**

Mr. Joseph Roberson, Rodrigues Council of Social Service
Ms. Antoinette Prudence, Centre Carrefour
Mr. Jowetson Casimir, Organisation des pêcheurs professionnels de Rodrigues
Mr. Margeot Roussety, Rodrigues Scouts
Father de St Pern
Mr. Simon Emitier, sports coordinator
Mr. Florence François, Comité des droits de l'enfant
Mrs. Colette Potage, Rodrigues Association for the Disabled
Mr. Paul Draper, Craft Aid
Mr. B. Moutien, Northern Credit Union
Mr. Alain Land Pierre Louis, Red Cross Society
Mr. Jean Noël Samoisy, Trust Fund for the Integration of Vulnerable Groups
Mr. J. Milazar, Rodrigues Public Service Workers Union
Mr. Michel Prudence, Government Service Association
Mr. E.K. Gentil, Government Teachers Union
Chief Editor, *La Voix du Peuple*

**Representatives of the two main political parties**

Mr. C. Leopold, Mouvement des Rodrigues
Mr. L.S. Clair and Mr. A. Nancy, Organisation du peuple de Rodrigues

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